

Exhibit C

1 THE HONORABLE JOHN H. CHUN
2
3
4
5
6

7
8
9
10
11 UNITED STATES DISTRICT COURT
12 WESTERN DISTRICT OF WASHINGTON
13 AT SEATTLE

14 FEDERAL TRADE COMMISSION, *et al.*,

15 Plaintiffs,

16 v.

17 AMAZON.COM, INC., a corporation,

18 Defendant.

19 CASE NO.: 2:23-cv-01495-JHC

20 [AMAZON'S REVISIONS TO
21 PLAINTIFFS' PROPOSED] CASE
22 MANAGEMENT ORDER

23 Pursuant to the Joint Status Report and Discovery Plan submitted by the parties, the

24 Court orders that the following shall govern the proceedings:

25 **1. Status Conferences**

26 a. The Court will hold a quarterlybimonthly [video/telephonic] status

27 conference, starting two months after the Court issues a scheduling order, or at such times as the
28 Court determines in its discretion.

29 b. The parties shall submit a joint status report no later than three business

30 days before each scheduled status conference containing a brief update regarding the status of
31 discovery, any discovery disputes where the Court's guidance could be productive, and any other
32 matters the parties wish to bring to the Court's attention. Any party that intends to raise a
33 discovery dispute in the joint status report shall notify the other side of its intent to do so, in

1 writing, no later than five business days before the joint status report is due. Nothing herein shall
 2 preclude any party from otherwise submitting discovery disputes in accordance with the
 3 procedures of the Local Rules or this Order.

4 **2. Document Requests**

5 a. The parties must serve responses and objections to requests for production
 6 of documents within 30 days as required by FRCP 34, unless otherwise agreed by the parties. At
 7 the time it serves its responses, the producing party will provide estimated dates for when it will
 8 begin rolling document productions of the documents it has agreed to produce in its responses
 9 and for the completion of that production, or alternately propose a date for an inspection of
 10 documents.

11 b. Within 14 days of service of any responses and objections, the parties
 12 must start the meet and confer process in good faith regarding any disputes, including disputes
 13 regarding the producing party's responses and objections, the scope of the producing party's
 14 collection, search, and review of documents (including regarding custodians and any search
 15 methodology, if applicable), and the timing of document production.

16 c. All document productions shall be made on a rolling basis.

17 d. To the extent that there is a dispute regarding the fact or scope of
 18 production that affects the producing party's ability to provide estimated times for when it will
 19 begin and complete its document production, the producing party will supplement its good-faith
 20 estimates, or alternately propose a date for an inspection of documents, upon the resolution of
 21 such disputes.

22 e. The parties shall ~~make reasonable, good faith efforts to~~ substantially
 23 complete document production by JulyAugust 1, 2024 in response to requests for production
 24 issued on or before December 14, 2023February 1, 2024, and shall substantially complete

1 document production ~~four months prior to the close of fact discovery~~by December 1, 2024 in
 2 response to ~~subsequent~~ requests for production issued on or before June 1, 2024. These
 3 deadlines shall not be construed as limiting the parties' ability to issue discovery requests, or as
 4 limiting the scope of those requests. The parties may agree to modify these dates. The
 5 provisions in this paragraph 2(e) do not apply to productions of structured data.

6 **3. Structured Data.**

7 a. Paragraphs 2(a) through 2(d) above apply to requests for production of
 8 structured data.

9 b. If a party identifies sources of its own structured data in its Rule 26(a)(1)
 10 disclosures, or in supplements or amendments to such disclosures, the party shall provide
 11 samples and data dictionaries for all such sources of structured data within 45 days.

12 c. If a request for production calls for the responding party's structured data,
 13 the responding party shall provide samples and data dictionaries for all such sources of structured
 14 data that may be responsive to that request within 45 days after the request is served.

15 d. The parties shall ~~make reasonable, good faith efforts to substantially~~
 16 complete ~~the production~~productions of structured data as follows, unless otherwise agreed to by
 17 ~~July~~all parties: within 20 days after the parties agree on the scope of production, for data sets 10
 18 TB or smaller; within 40 days after the parties agree on the scope of production, for data sets
 19 larger than 10 TB but 100 TB or smaller; and within 60 days after the parties agree on the scope
 20 of production, for data sets larger than 100 TB.

21 e. The parties shall complete the production of structured data by August 1,
 22 2024 in response to requests for production issued on or before February 1, 2024; shall complete
 23 ~~the production of structured data by December 14, 2023 and shall complete the production of~~
 24 ~~structured data 2.5 months prior to close of fact discovery~~1, 2024 in response to requests for

1 production issued at least 7 months prior to the close of fact discovery or before June 1, 2024;
 2 and shall complete the production of structured data by February 1, 2025 in response to requests
 3 for production issued on or before October 1, 2024.

4 e.f. Any significant volume of data may be produced by AWS s3 buckets to
 5 facilitate efficient transmission of the data.

6 g. In the event of any conflict between the deadlines in paragraphs 2(d) and
 7 2(e) above, the deadlines in paragraphs 2(e) control.

8 d.h. These deadlines shall not be construed as limiting the parties' ability to
 9 issue discovery requests, or as limiting the scope of those requests.

10 **4. Interrogatories.**

11 a. Each side is limited to 40 interrogatories in total, including discrete
 12 subparts. Each side reserves the right to ask the Court for leave to serve additional
 13 interrogatories. If the same interrogatory is served on multiple Plaintiffs, it shall count as a
 14 single interrogatory, regardless of the number of Plaintiffs served.

15 b. The parties must serve responses and objections to interrogatories within
 16 30 days as required by FRCP 33, unless otherwise agreed by the parties. If the responding party
 17 opts to respond by producing business records pursuant to FRCP 33(d), Paragraphs 2(a) through
 18 2(e) above shall apply.

19 c. Within 14 days of service of any responses and objections, the parties
 20 must start the meet and confer process in good faith regarding any disputes, including disputes
 21 regarding the producing party's responses and objections, whether any interrogatory may be
 22 satisfied by the production of documents or structured data, the scope of the producing party's
 23 collection, search, and review of documents, if applicable (including regarding custodians and
 24 any search methodology, if applicable), and the timing of document production, if applicable.

1 **5. Requests for Admission.**

2 a. Each side is limited to 25200 requests for admission in total. Requests for
3 admission relating solely to the authentication or admissibility of documents, data, or other
4 evidence (which are issues that the parties must attempt to resolve initially through good-faith
5 negotiation) do not count against these limits. Each side reserves the right to ask the Court for
6 leave to serve additional requests for admission.

7 b. The parties must serve responses and objections to requests for admission
8 within 30 days as required by FRCP 36, unless otherwise agreed by the parties.

9 c. The close of fact discovery shall not limit requests for admission regarding
10 authentication or admissibility.

11 **6. Depositions.**

12 a. The limits on the number of depositions set forth in the Federal Rules of
13 Civil Procedure 30(a)(2) shall not apply to depositions of third party witnesses or of expert
14 witnesses. For purposes of this provision, third party witnesses shall not include individuals who
15 formerly were employed or affiliated with any party to this action. Each side is limited to 630
16 total deposition hours for party witnesses (including former employees of a party being deposed
17 in that capacity) and 350 total deposition hours for nonparty witnesses. These time limitations
18 refer to the time of testimony actually taken on the record. These limitations apply only to fact
19 discovery. The following do not count against these limitations: (a) depositions of the parties'
20 expert witnesses; (b) sworn testimony taken during Plaintiffs' pre-Complaint investigation or in
21 any other litigation or government investigation; (c) depositions taken for the sole purpose of
22 establishing the authenticity or admissibility of documents, data, or other evidence, provided that
23 such depositions must be designated as such at the time they are noticed.

1 b. Where the parties and the deponent consent, depositions may be held
2 remotely. The parties will meet and confer regarding a protocol for remote depositions. Nothing
3 in this Order prevents a party from seeking an in-person deposition.

4 c. The parties will use their best efforts to make witnesses available for
5 deposition at a mutually agreeable time and location and without undue delay.

6 d. If a witness is a former employee of a party, that party shall promptly, and
7 no later than 14 days of receiving a deposition notice for the former employee, provide the
8 following information to the extent that it is known: (a) the former employee's date of departure
9 and last known address; (b) whether the party's counsel will be representing the former
10 employee in connection with the deposition, and if so, whether the party's counsel will accept
11 service of a subpoena; and (c) if the party's counsel will not be representing the former employee
12 in connection with the deposition, the name and contact information for the witness' counsel or
13 that the witness is unrepresented. The party shall promptly supplement any information that is
14 subsequently known to the party.

15 e. If a party serves a subpoena for the production of documents or ESI on a
16 nonparty and subpoena commanding a deposition by a witness for the nonparty, the party serving
17 those subpoenas must schedule the witness's deposition for a date at least 14 days after the return
18 date for the document subpoena. If the return date for the document subpoena is extended, then
19 absent consent from both sides the deposition must be postponed to a date at least 14 days after
20 the completion of production for substantially all documents called for by the subpoena (as
21 modified by any negotiations regarding subpoena compliance) (a) with respect to which the
22 witness is an author, sender, recipient, or custodian; and (b) that are contained in a shared filing
23 location or electronic or physical repository that the witness had access to in the ordinary course
24 of business.

1 f. If a party serves a subpoena for the production of documents or ESI on a
 2 nonparty and subpoena commanding a Rule 30(b)(6) deposition for the nonparty, the party
 3 serving those subpoenas must schedule the deposition for a date at least 14 days after the return
 4 date for the document subpoena. If the return date for the document subpoena is extended, then
 5 absent consent from both sides the deposition must be postponed to a date at least 14 days after
 6 the completion of production for substantially all documents called for by the subpoena (as
 7 modified by any negotiations regarding subpoena compliance).

8 **7. Discovery on Nonparties.** The requesting party must provide all other parties
 9 with a written record of any oral or written modifications, extensions, or postponements to the
 10 discovery request within 3 business days of the modification, extension, or postponement. Every
 11 discovery request to a nonparty shall include a cover letter requesting that the nonparty provide
 12 copies of all productions to both the requesting party and the other side at the same time.

13 **8. Expedited Joint Motion Procedure.** The parties may use the expedited joint
 14 motion procedure for discovery disputes in LCR 37(a)(2), at the moving party's election. The
 15 parties may also file discovery motions using the standard procedure set forth in LCR 7.

16 **9. Service of Pleadings and Discovery on Other Parties.** Service of all pleadings,
 17 motions, and other papers that are filed shall be made by ECF (which will send notice to all
 18 parties and nonparties registered with ECF). Service of all discovery notices, requests (including
 19 subpoenas for testimony or documents under FRCP 45), and written responses shall be made by
 20 email to the persons whose email is listed below. If the volume of attachments makes service by
 21 email impracticable, a party shall make service via a secure FTP service or overnight delivery to
 22 the persons listed below. The parties may modify this list by agreement.

23 Plaintiffs

24 Susan A. Musser, smusser@ftc.gov

1 Edward H. Takashima, etakashima@ftc.gov
2 Danielle C. Quinn, dquinn@ftc.gov
3 Emily K. Bolles, ebolles@ftc.gov
4 Colin M. Herd, cherd@ftc.gov
5 Daniel A. Principato, dprincipato@ftc.gov
Michael Jo, Michael.Jo@ag.ny.gov
Rahul Darwar, Rahul.Darwar@ct.gov
Alexandra C. Sosnowski, Alexandra.c.sosnowski@doj.nh.gov
Caleb J. Smith, caleb.smith@oag.ok.gov
Jennifer A. Thomson, jthomson@attorneygeneral.gov
Michael A. Undorf, michael.undorf@delaware.gov
Christina M. Moylan, christina.moylan@maine.gov
Gary Honick, Ghonick@oag.state.md.us
Michael MacKenzie, michael.mackenzie@mass.gov
Scott A. Mertens, MertensS@michigan.gov
Zach Biesanz, zach.biesanz@ag.state.mn.us
Lucas J. Tucker, LTucker@ag.nv.gov
Ana Atta-Alla, Ana.Atta-Alla@law.njoag.gov
Jeffrey Herrera, jherrera@nmag.gov
Timothy D. Smith, tim.smith@doj.state.or.us
Stephen N. Provazza, sprovazza@riag.ri.gov
Gwendolyn J. Cooley, cooleygj@doj.state.wi.us

12 Amazon

13 Patty A. Eakes, patty.eakes@morganlewis.com
14 Molly A. Terwilliger, molly.terwilliger@morganlewis.com
Heidi K. Hubbard, hhubbard@wc.com
John E. Schmidlein, jschmidlein@wc.com
Kevin M. Hodges, khodges@wc.com
Jonathan B. Pitt, jpitt@wc.com
Carl R. Metz, cmetz@wc.com
Carol J. Pruski, cpruski@wc.com
Constance T. Forkner, cforkner@wc.com
Thomas O. Barnett, tbarnett@cov.com

19 **10. Presumptions of Authenticity.** Documents produced by parties and nonparties
20 from their own files shall be presumed to be authentic within the meaning of Federal Rule of
21 Evidence 901. Any good-faith objection to a document's authenticity must be provided with the
22 exchange of other objections to intended trial exhibits. If the opposing side serves a specific
23 good faith written objection to the document's authenticity, the presumption of authenticity will

1 no longer apply to that document and the parties will promptly meet and confer to attempt to
2 resolve any objection.

3 **11. Nationwide Service of Process.** To assist the parties in planning discovery, and
4 in light of the geographic dispersion of potential witnesses in this action, the Court finds that
5 there is good cause shown to permit the parties, under 15 U.S.C. § 23, to issue nationwide
6 discovery and trial subpoenas from this Court. The availability of nationwide service of process,
7 however, does not make a witness who is otherwise “unavailable” for purposes of FRCP 32 and
8 FRE 804 “available” under these rules regarding the use at trial of a deposition taken in this
9 action.

12. Modification. Any party may seek modification of this order, for good cause.

IT IS SO ORDERED.

2 DATED: _____

The Honorable John H. Chun
UNITED STATES DISTRICT JUDGE
etakashima@ftc.gov
dschwartz1@ftc.gov
dquinn@ftc.gov
ebolles@ftc.gov

Presented by:

s/ Edward H. Takashima
SUSAN A. MUSSER (DC Bar # 1531486)
EDWARD H. TAKASHIMA (DC Bar #
1001641)
DAVID B. SCHWARTZ (NY Reg. #
4947925)
DANIELLE C. QUINN (NY Reg. #
5408943)
EMILY K. BOLLES (NY Reg. # 5408703)
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
Tel.: (202) 326-2122 (Musser)
(202) 326-2464 (Takashima)
Email: smusser@ftc.gov

Attorneys for Plaintiff Federal Trade Commission

Email: Rahul.Darwar@ct.gov
Counsel for Plaintiff State of Connecticut

s/ Alexandra C. Sosnowski
Alexandra C. Sosnowski (admitted *pro hac*
vice)
Assistant Attorney General
Consumer Protection and Antitrust Bureau
New Hampshire Department of Justice
Office of the Attorney General
One Granite Place South
Concord, NH 03301
Telephone: (603) 271-2678
Email: Alexandra.c.sosnowski@doj.nh.gov
Counsel for Plaintiff State of New
Hampshire

s/ Caleb J. Smith
Caleb J. Smith (admitted *pro hac vice*)
Assistant Attorney General
Consumer Protection Unit
Office of the Oklahoma Attorney General
15 West 6th Street, Suite 1000
Tulsa, OK 74119
Telephone: (918) 581-2230
Email: caleb.smith@oag.ok.gov
Counsel for Plaintiff State of Oklahoma

s/ Michael Jo
Michael Jo (admitted *pro hac vice*)
Assistant Attorney General, Antitrust
Bureau
New York State Office of the Attorney
General
28 Liberty Street
New York, NY 10005
Telephone: (212) 416-6537
Email: Michael.Jo@ag.ny.gov
Counsel for Plaintiff State of New York

s/ Rahul A. Darwar
Rahul A. Darwar (admitted pro hac vice)
Assistant Attorney General
Office of the Attorney General of
Connecticut
165 Capitol Avenue
Hartford, CT 06016
Telephone: (860) 808-5030

s/ Jennifer A. Thomson
Jennifer A. Thomson (admitted pro hac vice)
Senior Deputy Attorney General
Pennsylvania Office of Attorney General
Strawberry Square, 14th Floor
Harrisburg, PA 17120
Telephone: (717) 787-4530
Email: jthomson@attorneygeneral.gov
Counsel for Plaintiff Commonwealth of Pennsylvania

s/ Michael A. Undorf
Michael A. Undorf (admitted *pro hac vice*)
Deputy Attorney General
Delaware Department of Justice
820 N. French St., 5th Floor
Wilmington, DE 19801
Telephone: (302) 683-8816
Email: michael.undorf@delaware.gov

1 Counsel for Plaintiff State of Delaware

2 -
3 s/ Christina M. Moylan

4 Christina M. Moylan (admitted *pro hac*
5 vice)

6 Assistant Attorney General

7 Chief, Consumer Protection Division

8 Office of the Maine Attorney General

9 6 State House Station

10 Augusta, ME 04333-0006

11 Telephone: (207) 626-8800

12 Email: christina.moylan@maine.gov

13 Counsel for Plaintiff State of Maine

14 -
15 s/ Gary Honick

16 Gary Honick (admitted *pro hac vice*)

17 Assistant Attorney General

18 Deputy Chief, Antitrust Division

19 Office of the Maryland Attorney General

20 200 St. Paul Place

21 Baltimore, MD 21202

22 Telephone: (410) 576-6474

23 Email: Ghonick@oag.state.md.us

24 Counsel for Plaintiff State of Maryland

1 Email: MertensS@michigan.gov

2 Counsel for Plaintiff State of Michigan

3 -
4 s/ Zach Biesanz

5 Zach Biesanz (admitted *pro hac vice*)

6 Senior Enforcement Counsel

7 Office of the Minnesota Attorney General

8 445 Minnesota Street, Suite 1400

9 Saint Paul, MN 55101

10 Telephone: (651) 757-1257

11 Email: zach.biesanz@ag.state.mn.us

12 Counsel for Plaintiff State of Minnesota

13 -
14 s/ Lucas J. Tucker

15 Lucas J. Tucker (admitted *pro hac vice*)

16 Senior Deputy Attorney General

17 Office of the Nevada Attorney General

18 100 N. Carson St.

19 Carson City, NV 89701

20 Telephone: (775) 684-1100

21 Email: LTucker@ag.nv.gov

22 Counsel for Plaintiff State of Nevada

23 -
24 s/ Ana Atta Alla

1 Ana Atta-Alla (admitted *pro hac vice*)

2 Deputy Attorney General

3 New Jersey Office of the Attorney General

4 124 Halsey Street, 5th Floor

5 Newark, NJ 07101

6 Telephone: (973) 648-3070

7 Email: Ana.Atta-Alla@law.njoag.gov

8 Counsel for Plaintiff State of New Jersey

9 -
10 s/ Jeffrey Herrera

11 Jeffrey Herrera (admitted *pro hac vice*)

12 Assistant Attorney General

13 New Mexico Office of the Attorney

14 General

15 408 Galisteo St.

16 Santa Fe, NM 87501

17 Telephone: (505) 490-4878

18 Email: jherrera@nmag.gov

19 Counsel for Plaintiff State of New Mexico

1 s/ Timothy D. Smith
2 Timothy D. Smith, WSBA No. 44583
3 Senior Assistant Attorney General
4 Antitrust and False Claims Unit
5 Oregon Department of Justice
6 100 SW Market St
7 Portland, OR 97201
8 Telephone: (503) 934-4400
9 Email: tim.smith@doj.state.or.us
10 Counsel for Plaintiff State of Oregon

11 -
12 s/ Stephen N. Provazza
13 Stephen N. Provazza (admitted *pro hac*
14 vice)
15 Special Assistant Attorney General
16 Chief, Consumer and Economic Justice
17 Unit
18 Department of the Attorney General
19 150 South Main Street
20 Providence, RI 02903
21 Telephone: (401) 274-4400
22 Email: sprovazza@riag.ri.gov
23 Counsel for Plaintiff State of Rhode Island
24 -

1 s/ Gwendolyn J. Cooley
2 Gwendolyn J. Cooley (admitted *pro hac*
vice)
3 Assistant Attorney General
4 Wisconsin Department of Justice
Post Office Box 7857
5 Madison, WI 53707-7857
Telephone: (608) 261-5810
6 Email: cooleygj@doj.state.wi.us
7 Counsel for Plaintiff State of Wisconsin

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24